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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/808,057

03/24/2004

Brandon A. Barnes

HE0226

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21495

7590

01/13/2006

CORNING CABLE SYSTEMS LLC

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HICKORY, NC 28603

EXAMINER

HEALY, BRIAN

ART UNIT

PAPER NUMBER

2883

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/808,057

Applicant(s)

BARNES ET AL.

Examiner

Brian M. Healy

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-23 is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 24-28 is/are rejected.
- 7) ☒ Claim(s) 3,4,6-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03242004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 9-23 allowed. The closest prior art of record, i.e. Childers et. al., U.S.P. No. 6,540,410 teaches an optical fiber connector (described below). Neither Childers et. al. or any of the other references of record teaches or suggests the optical fiber connector recited in claim 9 including the recited elements of a housing with spring element seat, a ferrule, an optical fiber stub placed in a ferrule passageway, a ferrule holder, a spring element, first and second splice members, spring element retainer and a cam element (See claim 9 for the specific structural details). Dependent claims 10-23 includes the limitations of claim 9 along with additionally recited limitations (see dependent claims 20-23 for additional limitations).

Claims 3,4, and 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Neither Childers et. al. 410' or any of the prior art of record teaches or suggests a predetermined spring force is greater than about 1lb or 1.1lb and 1.4lbs, a view port for providing a visual indication of the quality of a splice including the limitations of claims 5 and 1 and a cam member disposed about the ferrule holder used in conjunction with a first and second splice member.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2883

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 24-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent No.9-197157.

Japanese Patent No. 9-197157 teaches (Figs.1-8) an optical fiber connector structure 1 for connecting optical fibers 7 in a holder or body 4 for connecting other optical fibers or fiber stubs and a view port(s) 16,17,18 which the quality of the splice can be viewed giving a visual indicator when light from a laser or LED is passed through the splice, which clearly fully meets Applicant's claimed limitations.

Claims 1,2 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Childers et. al., U.S.P. No. 6,540,410.

Childers et. al. 410' teaches (Figs.1-6) an optical fiber connector comprising: a housing 22 with a cavity into which is placed a spring element 28 and spring element seat 30,31 and a ferrule 34, ferrule spring 38 and ferrule holder 40 all of which are inserted into the housing 22, which clearly, fully meets Applicant's claimed limitations.

A copy of PTO-1449 will be included in this office action.

The following references are also cited as being pertinent prior art: Cubukciyan et. al., U.S.P. No. 5,101,463 (Figs.1-6), Cheng, U.S.P. No. 6,783,281 (Figs.1-8), and Clairardin et. al., U.S.P. No. 5,915,058 (Figs.1-39).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian M. Healy whose telephone number is (571)272-2347. The examiner can normally be reached on Compressed schedule Tues.-Thurs. 7AM-4:30PM.

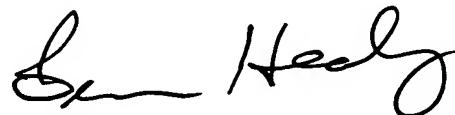
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571)272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2883

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Brian M. Healy**  
**Primary Examiner**  
**Art Unit 2883**

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A handwritten signature in black ink, appearing to read "Brian Healy". The signature is fluid and cursive, with the first name "Brian" written in a more compact, stylized manner and the last name "Healy" written more fully.

**Brian Healy**  
**Primary Examiner**